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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,888	02/01/2001	Jun Koyama	740756-2255	3194
22204	7590	02/19/2004	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			WEISS, HOWARD	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,888

Applicant(s)

KOYAMA ET AL.

Examiner

Howard Weiss

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 75-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 75-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Attorney's Docket Number: 740756-2255

Filing Date: 2/1/01

Continuing Data: RCE established 3/27/03

Claimed Foreign Priority Date: 2/1/00 (JPX)

Applicant(s): Koyama et al. (Kato)

Examiner: Howard Weiss

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 75, 76, 85, 86, 91 and 92 are rejected under 35 U.S.C. 102(b) as being anticipated by Koyama (U.S. Patent No. 5,793,344).

Koyama shows all aspects of the instant invention (e.g. Figure1) including:

- a substrate **110**
- a non-volatile memory **115** over the substrate
- a pixel portion **111** over the substrate
- a source wiring driver circuit **113** for driving the pixel portion over the substrate
- a gate wiring driver circuit **112** for driving the pixel portion over the substrate
- a correction circuit **116** over the substrate
- a memory controller circuit **114** over the substrate for controlling the non-volatile memory circuit
- the device part of an LCD of a video camera

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented

and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (JP 11-154714 and the Derwent Translation of this document) and Akbar (U.S. Patent No. 5,656,845).

Yamazaki et al. show most aspects of the instant invention (e.g. Figures 1, 2 and 8) including:

- a memory cell array with memory cells formed in a matrix
- each cell containing a memory thin film transistor (MTFT) **Tr1** and a switching thin film transistor (STFT) **Tr2** said transistors integrally formed (Paragraph 0011 of Derwent)
- said MTFT including:
 - a first semiconductor active layer **202** formed on an insulating substrate **201** and having a first thickness **d1**
 - a first insulating film **211**, a floating gate electrode **213**, a second insulating film **214** and a control gate electrode **215**
 - a wiring **825** for connecting the control gate to a first single line **809**
- said STFT including:

- a second semiconductor active layer **206** formed on an insulating substrate **201** and having a second thickness **d2**
 - a gate insulating layer **212** and a gate electrode **217**
 - a second signal line **810** connected to said gate electrode
- where in **d1** is thinner (i.e. smaller) than **d2** and within the ranges claimed (Paragraphs 0058 and 0059)
- the floating gate comprising tantalum or tantalum and the second insulating film made of a thermal oxide of said floating gate (i.e. tantalum oxide; Paragraphs 0149 to 0153)

Yamazaki et al. does not show the first and second semiconductor layer in a common semiconductor island. Akbar teaches (e.g. Figures 1, 9 and 10) to form first and second semiconductor layers in a common semiconductor island (i.e. layer) **122** to provide memory cells with improved performance and reliability (Column 2 Lines 19 to 22). It would have been obvious to a person of ordinary skill in the art at the time of invention to form first and second semiconductor layers in a common semiconductor island as taught by Akbar in the device of Yamazaki et al. to provide memory cells with improved performance and reliability.

5. Claims 77 to 84, 97 to 90 and 93 to 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. and Akbar, as applied to claims 75 and 76 above, and further in view of Koyama.

Yamazaki et al. and Akbar show most aspects of the instant invention (Paragraph 4) except for the semiconductor device comprising a substrate, a non-volatile memory over the substrate, a pixel portion over the substrate, a source wiring driver circuit for driving the pixel portion over the substrate, a gate wiring driver circuit for driving the pixel portion over the substrate, a correction circuit over the substrate and a memory controller circuit over the substrate for controlling the non-volatile memory circuit all part of an LCD of a video camera. Koyama teach (Paragraph 2) to use the memory

device with the listed devices to produce a high quality display device (Column 7 Lines 55 to 61). It would have been obvious to a person of ordinary skill in the art at the time of invention to use the memory device of Yamazaki et al. and Akbar with the listed devices of Koyama to produce a high quality display device.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1 and 75 to 96 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 to 12 of U.S. Patent No. 6,472,684 in view of Akbar, Yamazaki et al. and Koyama. U.S. Patent No. 6,472,684 claim most aspects of the instant except for the first and second semiconductor layer a common semiconductor island, the floating gate comprising tantalum, the second insulating film comprising a thermal oxide of said floating gate and being part of the listed elements (i.e. a substrate, a non-volatile memory over the substrate, a pixel portion over the substrate, a source wiring driver circuit for driving the pixel portion over the substrate, a gate wiring driver circuit for driving the pixel portion over the substrate, a correction circuit over the substrate and a memory controller circuit over the substrate for controlling the non-volatile memory circuit all part of an LCD of a video camera).

Akbar teaches (e.g. Figures 1, 9 and 10) to form first and second semiconductor layers in a continuous layer **122** to provide memory cells with improved performance and reliability (Column 2 Lines 19 to 22). Yamazaki et al. teach (e.g. Paragraphs 0149 to 0153)) to use tantalum in the floating gate and a thermal oxide of the floating gate as the second insulating film to improve the electrical characteristics of the device. Koyama teach (Paragraph 2) to use the memory device with the listed devices to produce a high quality display device (Column 7 Lines 55 to 61). It would have been obvious to a person of ordinary skill in the art at the time of invention to form first and second semiconductor layers in a continuous layer as taught by Akbar, to use tantalum in the floating gate and a thermal oxide of the floating gate as the second insulating film as taught by Yamazaki et al. and to use the memory device with the listed devices as taught by Koyama in the device claimed in U.S. Patent No. 6,472,684 to provide a device with improved performance and reliability.

8. Claims 1 and 75 to 96 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 to 30 of U.S. Patent No. 6,509,602 in view of Akbar, Yamazaki et al. and Koyama. U.S. Patent No. 6,509,602 claim most aspects of the instant except for the first and second semiconductor layer a common semiconductor island, the floating gate comprising tantalum, the second insulating film comprising a thermal oxide of said floating gate and being part of the listed elements (i.e. a substrate, a non-volatile memory over the substrate, a pixel portion over the substrate, a source wiring driver circuit for driving the pixel portion over the substrate, a gate wiring driver circuit for driving the pixel portion over the substrate, a correction circuit over the substrate and a memory controller circuit over the substrate for controlling the non-volatile memory circuit all part of an LCD of a video camera).

Akbar teaches (e.g. Figures 1, 9 and 10) to form first and second semiconductor layers in a continuous layer **122** to provide memory cells with improved performance and reliability (Column 2 Lines 19 to 22). Yamazaki et al. teach (e.g. Paragraphs

0149 to 0153)) to use tantalum in the floating gate and a thermal oxide of the floating gate as the second insulating film to improve the electrical characteristics of the device. Koyama teach (Paragraph 2) to use the memory device with the listed devices to produce a high quality display device (Column 7 Lines 55 to 61). It would have been obvious to a person of ordinary skill in the art at the time of invention to form first and second semiconductor layers in a continuous layer as taught by Akbar, to use tantalum in the floating gate and a thermal oxide of the floating gate as the second insulating film as taught by Yamazaki et al. and to use the memory device with the listed devices as taught by Koyama in the device claimed in U.S. Patent No. 6,509,602 to provide a device with improved performance and reliability.

Response to Arguments

9. Applicant's arguments with respect to Claims 1 and 75 to 96 have been considered but are moot in view of the new ground(s) of rejection. The Applicants' assertion that Yamazaki et al. do not teach the use of a tantalum floating gate and a thermal oxide insulating film of the floating gate is incorrect. Paragraphs 0149 to 0153 of Yamazaki et al. teach this feature. In view of these reasons and those set forth in the present office action, the rejections of the stated claims stand.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamazaki et al. (U.S. Patent No. 6,335,716) teach a correction system for a pixel display, and Bui (U.S. Patent No. 6,163,049) teaches the use of tantalum oxide in floating gate insulating films.
11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Papers related to this application may be submitted directly to Art Unit 2814 by facsimile transmission. Papers should be faxed to Art Unit 2814 via the Art Unit 2814 Fax Center located in Crystal Plaza 4, room 3C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2814 Fax Center number is **(703) 308-7722** or **-7724**. The Art Unit 2814 Fax Center is to be used only for papers related to Art Unit 2814 applications. The official TC2800 Before-Final, **(703) 872-9318**, and After-Final, **(703) 872-9319**, Fax numbers will provide the fax sender with an auto-reply fax verifying receipt of their fax by the USPTO.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Howard Weiss at **(571) 272-1720** and between the hours of 8:00 AM to 4:00 PM (Eastern Standard Time) Monday through Friday or by e-mail via **Howard.Weiss@uspto.gov**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2800 Receptionist at **(703) 308-0956**.

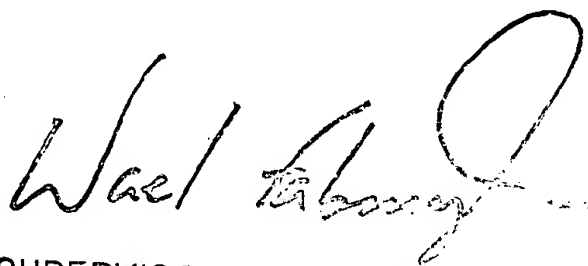
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14. The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
U.S. Class / Subclass(es): 257/326, 347; 365/ 185.05	thru 2/11/04
Other Documentation: none	
Electronic Database(s): EAST, IEL	thru 2/11/04

Howard Weiss
Patent Examiner
Art Unit 2814

HW/hw
11 February 2004


SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2814